

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JAMES PRESTON KILKENNY,**

**Plaintiff,**

**vs.**

**Case No.: 2:19-cv-3661  
JUDGE GEORGE C. SMITH  
Magistrate Judge Vascura**

**RYAN GABRIEL, et al.,**

**Defendants.**

**ORDER**

On September 23, 2019, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that Plaintiff be permitted to proceed on his individual-capacity claim against Defendant Dorr and that his remaining claims be dismissed pursuant to 28 U.S.C. §1915(e)(2)(B). Additionally, Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* was granted. (Doc. 3). The parties were advised of their right to object to the *Order and Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Order and Report and Recommendation*.

The *Order and Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. All of Plaintiff's claims are hereby dismissed except for his individual-capacity claim against Defendant Dorr. The Clerk shall remove Document 3 from the Court's pending motions list.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**